

**MINUTES**  
**CITY COUNCIL MEETING**  
**JULY 22, 2003**

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:35 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR RAUCH.

**PLEDGE OF ALLEGIANCE**

MAYOR RAUCH led the assembly in the Pledge of Allegiance to the Flag.

**ROLL CALL**

City Council Members Present: Addleman, Mitchell, Rauch, Seamans, Zuckerman

City Staff Present: City Manager Doug Prichard

City Attorney Richard Terzian

Assistant City Manager Sam Wise

Planning Director David Wahba

Community Services Director Andy Clark

Finance Director Jud Norrell

Others Present: Judy Bayer, Planning Commission

Frank Zerunyan, Planning Commission

**CEREMONIAL ITEMS**

**A. PRESENTATION TO/FROM THE TREBLE MAKERS WOMEN'S BARBERSHOP CHORUS**

MAYOR RAUCH was pleased to present a Resolution of Commendation to the Treble Makers for bringing 30 years of entertainment to the community. She noted they will be sorely missed.

The Treblemakers thanked the COUNCIL for their support in allowing them to utilize the City Council Chambers for rehearsals and donated a check to go towards installation of a bench on City Hall grounds. They performed a song for the audience as they have done at the close of every rehearsal for 30 years.

**ROUTINE MATTERS**

**A. CITY COUNCIL MINUTES OF JUNE 24, 2003**

MAYOR RAUCH requested the following addition on Page 10, Paragraph 6:

*"Warren Schwarzmman, 4 Aurora Drive, commented that the land had been leased from the*

*MWD and inquired if that lease was renewed. He recommended not to approve this as the land technically is not available. Additionally, he mentioned that the maximum number of individuals using this facility at one time has not been determined and that parking must be reviewed as well.*

***Mr. Schwarzmann noted his recollection from many years ago that the Church had agreed not to expand."***

COUNCILMAN ADDLEMAN moved, seconded by COUNCILMAN ZUCKERMAN  
TO APPROVE THE CITY COUNCIL MINUTES OF JUNE 24, 2003 AS AMENDED.  
THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

**B. ADJOURNED CITY COUNCIL MINUTES OF JUNE 25, 2003**

MAYOR RAUCH requested the following addition on Page 2, Paragraph 4:

*"Brief discussion ensued regarding adult classes. Mr. Best noted that, **under the proposal**, adult classes would not be conducted during worship services on Sunday."*

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS  
TO APPROVE THE ADJOURNED CITY COUNCIL MINUTES OF JUNE 25, 2003 AS  
AMENDED.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

**C. CITY COUNCIL MINUTES OF JULY 8, 2003**

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM MITCHELL  
TO APPROVE THE CITY COUNCIL MINUTES OF JULY 8, 2003 AS PRESENTED.  
THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

**D. DEMANDS AND WARRANTS – MONTH OF JULY**

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS  
TO APPROVE WARRANTS 33968 THROUGH 34044 FOR A GRAND TOTAL OF  
\$253,273.38 WITH PROPER AUDIT.

AYES: Addleman, Mitchell, Rauch, Seamans, Zuckerman

**CONSENT CALENDAR**

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN TO  
APPROVE ITEMS A-E.

**A. READING OF ORDINANCES AND RESOLUTIONS**

Reading in full of all ordinances and resolutions presented for consideration to the City Council  
will be waived and all such ordinances and resolutions will be read by title only.

**B. QUARTERLY CODE ENFORCEMENT REPORT**

Recommendation: That the City Council receive and file this report.

RECEIVED AND FILED.

**C. JUNE 2003 SCHEDULE OF INVESTMENTS**

Recommendation: That the City Council receive and file the Schedule of Investments Report for the month of June 2003.

RECEIVED AND FILED.

**D. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED JULY 3, 2003**

RECEIVED AND FILED.

**E. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED JULY 11, 2003**

RECEIVED AND FILED.

AYES: Addleman, Mitchell, Rauch, Seamans, Zuckerman

**AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS**

NONE

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At 7:45 p.m., the CITY COUNCIL convened in closed session. At 8:52 p.m., the CITY COUNCIL reconvened in open session with MAYOR RAUCH, MAYOR PRO TEM MITCHELL, COUNCILMAN ADDLEMAN, COUNCILWOMAN SEAMANS and COUNCILMAN ZUCKERMAN present.

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**CLOSED SESSION (Taken out of order)****A. CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION**

Pursuant to Government Code Section 54956.9(b)(11) there is a significant exposure to litigation based upon a written communication from a potential plaintiff threatening litigation.

NO ACTION WAS TAKEN.

**PUBLIC HEARINGS/MEETINGS**

A. CONTINUED PUBLIC HEARING - PLANNING APPLICATION NO. 29-01;  
APPLICANT: ROLLING HILLS COVENANT CHURCH (RHCC); LOCATION: 2221 AND 2222 PALOS VERDES DRIVE NORTH

Recommendation: That the City Council: 1) Take public testimony specific to: (a) the policies as

outlined in the staff report and in the attached letters; and (b) continue the process of conducting a facilitated workshop; 2) Discuss the issues; and 3) Continue the public hearing to the next meeting of August 12, 2003 for the purposes of allowing Council to select a facilitator.

MAYOR PRO TEM MITCHELL read into the record the following statement:

*"Having originally suggested the idea of mediation in this matter, I would like to make a few comments about the process, where we go from here, how we can hope to, and why we must, reach community consensus. Please allow me a moment or two to share these prepared remarks.*

*After many hours of testimony on this project, with both proponents and opponents vigorously presenting their cases, it is obvious to me that this project has divided the community, and has the potential to divide it even further unless some attempt at compromise is made. This is where a professional mediator/facilitator/neutral third party can and must become involved.*

*Since this idea has been broached, the Council has been criticized, threatened and ridiculed as naïve or lacking in leadership for seeking this path. I wish to state clearly the case for mediation so there is no doubt about what we view as our mission.*

*As elected officials, we represent the community, the entire community, and we have an obligation to seek solutions to issues of importance that best reflect both the will of the community and our stated philosophies as found in such basic reflections of our community as the General Plan and our Zoning Codes. This process is often slow, often cumbersome, often untidy. But this is the democratic process of representative government, and it allows the greatest access to the decision making process at the most basic level, our neighborhoods.*

*Some have urged the Council to just make a decision and let this project find its way to court. That would be an easy out for the Council. It would take a difficult problem off our hands. But that would not be in the best interest of the community and we would not be fulfilling our obligation as local elected representatives of the public if we simply make a quick decision to get this issue behind us. For, in fact, this issue would not be behind us. A long and expensive legal battle is likely, has in fact been assured, regardless of our decision. When the problem leaves our hands it will go to a court, a judge, a jury who has no idea what this community values. Do we want to relinquish our collective responsibility and future of our community to the courts? The law in this area is not settled and anything can happen in court. Both the church and the residents have much to risk if we go down the legal path. If this issue is not resolved here, a solution will be imposed on us from outside. Someone will win, and someone will lose, and the community will be poorer for it. Mediation offers the chance for a win-win solution. Maybe neither side gets everything they want, but they are guaranteed the opportunity to help shape the future of this community.*

*Some have tried to dictate the form this mediation should take. This is premature. This is an untried process in this community, and we must feel our way through it. I do not want to prejudice the mediation process by making demands or drawing lines in the sand prior to having heard from the selected professional the best way in which to approach this task.*

*Some have said an attempt to bring two such diametrically opposed parties together is doomed to failure. I say failure to try is itself the failure. I have heard enough in the passion of those who have testified on both sides of this issue to be optimistic about the chance of success, for only with the kind of dedication to the community as I have heard from the church and the neighborhoods can this compromise approach hope to succeed. Besides, if opposing parties did*

*not commonly reach this kind of impasse, mediation would not be needed. It is a proven process to reach satisfactory solutions. One which a court would likely order anyway should this matter devolve to suit.*

*The City Council finds itself in the role of judge and jury in this matter. We have been elected to both shape and reflect the community, to make decisions that we and the community must live with for a very long time. We take this responsibility seriously, and are willing and able to make difficult decisions. But with the facts before us, and the sure legal challenge that awaits any decision we make, the best decision for this community at this moment is to take the time necessary to bring in trained professional assistance, experts in the field of public policy mediation, to try to reach a compromise that the church and the community can embrace. This is possible. This is necessary. This is our collective obligation.*

*Thank you all for your involvement and commitment to this community."*

MAYOR RAUCH added that the entire COUNCIL is in agreement to retain a facilitator.

Planning Director Wahba provided a staff report (as per agenda material).

Vergil Best, Applicant, commented that the Church is not willing to participate in a workshop as those interested parties would not allow discussion for a compromise. He did note his appreciation to MAYOR PRO TEM MITCHELL for her comments, but believed it would be unproductive to proceed in this direction. He then asked COUNCIL to take a formal vote. He noted his concern with five self-appointed individuals who purport to represent the community opposing the project and urged the COUNCIL to determine who would serve as representatives of the community. He noted that the facilitator process would take an undetermined amount of time at substantial expense to submit additional information to the COUNCIL if the EIR is challenged.

Mr. Best acknowledged that while the COUNCIL has a difficult decision to make, the Church is trained to work and comfort individuals rather than engage in this type of public arena.

Craig Knickerbocker, representing the Applicant, noted that, while they had agreed to continue with the workshop approach, the opponents have returned to "attack mode." He noted his agreement with MAYOR PRO TEM MITCHELL'S comments, but those individuals representing the neighborhoods have criticized the independent studies while the Applicant has agreed to a 10% reduction in the project. He then went on to state that exportation of dirt would not be a problem, as well as building on leased land since it is "done all the time." He reiterated that the neighborhoods have never attempted to reach a compromise and that any offer would be rejected. Additionally, he stated they are not willing to fight that battle and asked the COUNCIL to take an up or down vote.

MAYOR RAUCH stated that it is difficult to know what the outcome would be as the facilitator process has not taken place as yet. COUNCILMAN ADDLEMAN concurred indicating that this approach would at least provide a chance for resolution.

Mr. Knickerbocker stated that if the City is willing to commit time and funds for this project, they would be willing to participate.

Mr. Best then commented that if a "fast track" process could achieve results in 30 days, they would be open to participate.

Discussion ensued regarding the length of time needed to solicit facilitator qualifications, interview the applicants, and provide a recommendation to the COUNCIL at their August 12 meeting. City Manager Prichard noted that a contract would then be presented to the COUNCIL on that date after which the facilitator would communicate with the Applicant and neighbors. He stated that the first workshop would more than likely occur in September.

MAYOR PRO TEM MITCHELL noted that at the August 12 meeting, the facilitator would be chosen and then allow at least 45 days in order to coordinate the information and move forward.

Mr. Knickerbocker concurred with this procedure, but noted his apprehension with the opposing representatives mediating in good faith.

COUNCILWOMAN SEAMANS stated that the COUNCIL has committed to working through this issue and it would be up to the mediator to determine how this process would take place.

Mr. Best recommended that two representatives from each side participate. COUNCILMAN ZUCKERMAN stated that a facilitator would make those decisions as to who will serve in this workshop. Additionally, he noted that if litigation is preferred, it could take several years for a decision to be reached and believed the facilitator would at least allow the potential of a positive outcome in a shorter period of time.

Mr. Knickerbocker then requested a vote be taken if no progress has been accomplished in 45 days.

As a result of this discussion, both Mr. Best and Mr. Knickerbocker agreed to pursue this course.

Tim Scott, President, Montecillo Homeowners' Association, took exception to the previous remarks criticizing the neighborhood representatives. He noted that the homeowners' associations are comprised of elected board members and do represent their community. Additionally, he noted that it is their desire to focus on concerns expressed by various residents, but having an excessive amount of individuals would not be necessary. He then stated his homeowners' association would be willing to participate in the workshop.

Bridget Carman, President, Larga Vista Homeowners' Association, attempted to evaluate the issues related to this project stating that considerable analysis has already been undertaken. She noted that she would like to make sure the COUNCIL and Applicant understands that their groups do represent the community. She thanked the COUNCIL for their time devoted to this project.

Mike Russo, President, Bridlewood Circle Homeowners' Association, indicated his willingness to participate as well. He stated that it was not their intention to allow a large group of residents to take part in these discussions, but rather utilize a small assembly of representatives.

Bob Bennett, President, Harborsight Homeowners' Association, noted he was in favor of the mediation process and believed constructive dialogue could be reached. He noted that the initial information presented shows the issues with the multi-purpose facility and was pleased to hear that the Applicant is attempting to bring back the youth on campus. He then stated he now understands the total scope of the project and what the Church's priorities are for that site.

Craig Huey, Peninsula Residents for a Better Community, stated he was also pleased there was a sense of negotiation between both parties and encouraged the COUNCIL to place limits on scheduling this process.

Roy Campbell, 550 Silver Spur Road, referred to City Attorney Terzian's comments at the July 8 meeting regarding what would happen once the workshops have taken place. City Attorney Terzian indicated that the final decision will be made by the COUNCIL, not the facilitator. Mr. Campbell then provided an extensive lesson on how the procedure works. He went on to comment that once the workshops have been completed, the applicant would come back, request a vote, and that basically the workshops will have had no bearing on the final decision which would start the process all over again.

COUNCILMAN ZUCKERMAN strongly disagreed with this analysis as ideally there would be a compromise from both parties that would come before the COUNCIL which would include the workshop discussion as well. He noted, in taking this course of action, the COUNCIL would have an extensive amount of material upon which an informed decision could be made. He asked Mr. Campbell if he preferred to see a less desirable judicial outcome rather than working with the City to achieve its ultimate goal of finding middle ground for this project.

MAYOR RAUCH stated that a decision has already been made by the COUNCIL to proceed with the mediation process.

Mr. Campbell then informed the COUNCIL that it was his intention to submit a Statement of Qualifications for the facilitator position.

MAYOR RAUCH CONTINUED THE PUBLIC HEARING TO THE MEETING OF AUGUST 12, 2003 FOR THE PURPOSE OF SELECTING A FACILITATOR TO MEDIATE AT THE PROPOSED WORKSHOP.

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At 9:49 p.m., MAYOR RAUCH called for a brief recess.

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At 9:51 p.m., the CITY COUNCIL reconvened with MAYOR RAUCH, MAYOR PRO TEM MITCHELL, COUNCILMAN ADDLEMAN, COUNCILWOMAN SEAMANS and COUNCILMAN ZUCKERMAN present.

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B. PLANNING APPLICATION NO. 12-03; APPLICANT: MR. AND MRS. STEVE SIMERAL; LOCATION: 63 ROLLINGWOOD DRIVE

Recommendation: That the City Council: 1) Open the public hearing; 2) Take public testimony; 3) Discuss the issues; 4) Close the public hearing; 5) Approve PA-12-03 (upholding the Planning Commission's decision) with the conditions that the fireplace be eliminated or converted to a gas vent system and that the roof be a brown color with asphalt singles acceptable, all to the satisfaction of the Planning Director.

Assistant Planner Wong provided a staff report (as per agenda material). He noted that the proposed fireplace has been moved allowing the chimney to be lowered.

COUNCILMAN ZUCKERMAN inquired if the final decision is upheld would this endorse the limited view of the View Preservation Ordinance, and indicated a discussion of policy on how this ordinance is interpreted should be addressed.

Planning Director Wahba noted that views are considered on a case-by-case basis.

COUNCILWOMAN SEAMANS inquired as to the roof height. Planning Director Wahba noted that the Planning Commission stated the silhouette did not appear to be accurate. Assistant Planner Wong noted that he visited the site with Zoning and Code Administrator Beall to survey the height of the silhouette. COUNCILWOMAN SEAMANS then inquired if it is the same height as the home next door.

Assistant Planner Wong noted that the home in question is taller than the Applicant's house, but starts at a lower level.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

Steve Simeral, Applicant, 63 Rollingwood, summarized his project and noted that he has been working with staff and his architect since January. He noted he is concerned about his neighbors' feelings, but that he has rights as well and felt he has presented a good project that actually falls under the maximum requirements. He then indicated that he would like his neighbors to understand any applications submitted to the City are to be considered on a case-by-case basis. Additionally, it was his opinion that the view impacts are minimal as seen on the photographs. In regards to the 375 homes that received a public notice, Mr. Simeral stated that he has only heard from approximately 1% of the community who objected to this proposal. He reiterated that he has complied with City codes and requested COUNCIL approval of this project.

Louis Skelton, Architect, 2537 Pacific Coast Highway, Torrance, provided a history of this project. He noted that in speaking with staff, a compromise was reached and presented to the Planning Commission who then imposed various modifications. He noted they have a strong foundation to work from and have reduced the maximum height to substantially lower than the allowed limit.

COUNCILMAN ADDLEMAN inquired as to the front of the home and how many windows are facing the street.

Mr. Skelton indicated that two windows would be added to the second-story level; one of which is proposed to go over the doorway.

MAYOR PRO TEM MITCHELL inquired if any consideration was given to proposing a single-story home. Mr. Skelton indicated that they only had 220 square feet available on the ground floor and that additional space was needed to meet their family's needs.

Bernie Van Wie, 4835 Elmdale Drive, noted his concern with view loss and rural preservation. He provided a brief history of the Planning Commission meeting where this issue was discussed. He then referred to various residents in their neighborhood who chose to use an excavation method as a means to add another story to their homes. He believed this project would have an overbuilt appearance and that his view would be destroyed. He urged the COUNCIL to deny this project.

MAYOR RAUCH inquired as to the large tree in the back of Mr. Van Wie's home which would



affect his view as well. Mr. Van Wie indicated that above the tree they still have a view of the Vincent Thomas Bridge. He noted the tree could be trimmed, but a second-story would remain.

Judy Van Wie, 4835 Elmdale Drive, noted her understanding of the view protection laws that protects the scenic areas of the City. She referred to the View Protection Ordinance and believed allowing this second-story degrades their neighborhood and takes away the scenic views they have and hoped the City would maintain the preservation of the neighborhood and uphold the integrity of the law.

Helen DeBerard, 44 Rollingwood Drive, noted she is not affected by the view issue, but her concern revolved around the fact that this project is being built on the "view side" of Rollingwood. She noted their view is very limited and that allowing another two-story home will set a precedent for additional residents requesting the same type of project which would remove all views.

Charles DeBerard, 44 Rollingwood Drive, emphasized that views are his concern as well. He noted that he and his wife are now retired and wished to remain at their residence for many years to come.

Lorraine Zannella, 4821 Kingspine Road, commented that she lives within the view corridor and the Applicant's proposal would impair their pastoral and rural views. She referred to the View Protection Ordinance as well. She noted that the view issue comes into play from their family room and would interfere with their right to privacy as the proposed second-story has a clear view into that room. She believed this would lower the value of their home and envisioned the neighborhood beginning to look like Manhattan Beach. She then referred to a home at 61 Rollingwood stating that a precedent was not set in this case as it was built prior to establishment of the neighborhood compatibility policy. Additionally, she noted that other homes on Kingspine and Elmdale would be impacted from the Applicant's proposal as well and that those individuals could not attend this meeting.

Jack Zannella, 4821 Kingspine Road, spoke on behalf of Mr. Schiavo who could not attend and read a letter into the record that provided a history of a second-story addition at 4805 Kingspine in their attempt to recapture their ocean view. He noted that other renovations in the neighborhood have taken away their views as well and that this project would remove the remaining third of their view. He appreciated the fact that the COUNCIL has demonstrated their sensitivity to the community's desire to maintain the rural character of the City due to adoption of an ordinance to maintain the view corridors. He noted his belief that the Planning Commission set a new precedent and opened a problematic situation in their neighborhood. He requested the COUNCIL reconfirm their commitment to view preservation and the right to privacy that is being denied by the second-story.

Mr. Simeral noted his respect for his neighbors and hoped the COUNCIL would focus on the View Protection Ordinance. He reiterated that there is minimal view impactation and that all statements made to the COUNCIL should be disqualified as other issues mentioned are different with every case. He noted that he was not impacting the Zannellas' views and referred to Planning Commissioner O'Day's comments regarding his concerns for rights of the property owner. He went on to state that he has been honest from the beginning with staff and the neighbors and requested COUNCIL approval of his application.

Mr. Skelton commented on the more technical issues and the reference to the City resembling Manhattan Beach in density. He noted these comments were inappropriate and do not apply to this case. He stated it was their desire to offset the second-story with the existing trees

minimizing the impact to the surrounding properties.

Mrs. Zannella disagreed with Mr. Simeral reiterating that the proposed window would look directly into their family room. She noted that this will set a precedent if allowed and was concerned that other residents wishing to remodel may cause additional view impairments.

COUNCILMAN ADDLEMAN moved, seconded by MAYOR PRO TEM MITCHELL  
TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

MAYOR PRO TEM MITCHELL noted that she had called this project up for public hearing and expressed her concerns regarding the Rollingwood neighborhood. She noted the Applicant's home was built by a single-story developer and that many of those homes have views, but some are obscured by vegetation. She noted that when she served on the Planning Commission, applications such as this one proceeded with excavation methods. She visited the site as well as other homes in question and that the proposed addition will remove the last view of city lights from those residences facing east. She noted that the view from the Zannella home is a pastoral view and that the Van Wie home will have its view obscured as well. It was her position to overturn the Planning Commission's decision.

COUNCILMAN ADDLEMAN noted he visited the site as well and referred to several photographs showing those neighbors' homes as having a view impact. He concurred with MAYOR PRO TEM MITCHELL'S opposition to the project.

COUNCILWOMAN SEAMANS noted she, too, visited the neighbors' homes and stated that the trees are overgrown, and if anyone were concerned about their view, they should be trimmed. She noted her extensive experience on this issue and felt this was the least of the view impairments as only minor secondary views seem to be impacted. In regards to privacy issues, she stated that the Applicant would have more of a concern as the neighbors would actually be looking into his home. She noted her concurrence with the Planning Commission.

COUNCILMAN ZUCKERMAN referred to view preservation and second-story additions in general. He believed the Applicant has more than complied with City standards and that he has come to the COUNCIL in good faith. He noted his support for the Planning Commission's decision. However, he expressed concern regarding additional homes on that street in regards to homeowners having a reasonable entitlement to building a second-story home. He noted that the COUNCIL needs to discuss the Rollingwood area from a policy standpoint. As far as the Applicant's project, he believed this second-story home is modest enough for approval and felt he could not deny the Applicant for utilizing his existing entitlement. He then commented that the standard was not met to impair anyone's privacy as those views would be changed, but not destroyed.

MAYOR RAUCH noted that she concurred with COUNCIL MEMBERS SEAMANS and ZUCKERMAN in support of the application.

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILWOMANS SEAMANS  
TO UPHOLD THE PLANNING COMMISSION'S DECISION TO APPROVE PA-12-03.

AYES: Rauch, Seamans, Zuckerman

NOES: Addleman, Mitchell

**NEW BUSINESS**

A. PLANNING COMMISSION MINUTES OF JULY 14, 2003

THERE BEING NO OBJECTION, MAYOR RAUCH ORDERED THE PLANNING COMMISSION MINUTES OF JULY 14, 2003 RECEIVED AND FILED.

B. HOWLETT PARK ADA RESTROOM IMPROVEMENTS PROJECT

Recommendation: That the City Council approve the plans and specifications to bring two restroom buildings in Ernie Howlett Park into ADA compliance and direct staff to solicit bids through the formal bidding process.

Community Services Director Clark provided a staff report (as per agenda material).

MAYOR RAUCH inquired as to the restrooms at the City stables for the existing and proposed relocation.

MAYOR PRO TEM MITCHELL noted that the present funds have already been budgeted for Ernie Howlett Park.

It was the consensus of the COUNCIL that this would be an appropriate use for this project.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ADDLEMAN

TO APPROVE THE PLANS AND SPECIFICATIONS TO BRING TWO RESTROOM BUILDINGS AT ERNIE HOWLETT PARK INTO ADA COMPLIANCE AND DIRECTED STAFF TO SOLICIT BIDS THROUGH THE FORMAL BIDDING PROCESS.

AYES: Addleman, Mitchell, Rauch, Seamans, Zuckerman

**OLD BUSINESS**

A. ORDINANCE NO. 627 FOR SECOND READING AND ADOPTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING PROVISIONS OF THE ROLLING HILLS ESTATES MUNICIPAL CODE PERTAINING TO VOLUNTARY CAMPAIGN LIMITATIONS.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ADDLEMAN

TO ADOPT ORDINANCE NO. 627.

*City Manager Prichard read Ordinance No 627 by title only.*

AYES: Addleman, Mitchell, Rauch, Seamans, Zuckerman

C. COMMERCIAL DISTRICT PLANTER ALTERNATIVES

Recommendation: That the City Council determine whether to change the flowering plants in the nine commercial district medians from annuals to perennials.

Community Services Director Clark provided a staff report (as per agenda material).

COUNCILWOMAN SEAMANS noted that she is concerned about the medians in their present state as they look "starved." She noted the City engaged in this project to provide a beautiful entry into the commercial district. She believed it was a well designed project with regards to the landscaping. She noted her discussion with BMC Landscaping concerning irrigation of the medians and was informed that staff had locked down the watering system. It was her desire to leave the landscaping as is for this year and give BMC the opportunity to bring these medians back to their previous condition and review this item again next year.

City Manager Prichard noted that the budget was actually affected by the high cost of overwatering which became problematic and that locks were placed on the irrigation system to limit the amount of water flowing into these plants. He stated that the Maintenance Department disputes BMC's contentions and stated that this issue was being handled at the staff level.

COUNCILMAN ZUCKERMAN suggested that, since the V2C Group designed this project, they might provide some guidance as to how the maintenance of these areas should be handled. He then noted that watering is not the only issue as other landscaped areas throughout the City managed by BMC Landscaping are in serious need of care.

MAYOR PRO TEM MITCHELL concurred with the aforementioned comments and suggested soliciting proposals for the City's landscaping contract next year.

COUNCILWOMAN SEAMANS noted she would like to participate in this discussion. There being no objection, COUNCILWOMAN SEAMANS was designated a committee of one to meet with staff and contractors on this issue.

MAYOR PRO TEM MITCHELL noted that maintenance of the medians has already been budgeted for this year and the COUNCIL owes it to the taxpayers for this to be properly maintained.

COUNCILMAN ZUCKERMAN reiterated that this is a focal point for the community and concurred with COUNCILWOMAN SEAMANS in retaining the annual plantings.

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILWOMAN SEAMANS

TO DIRECT STAFF TO CONTINUE PLANTING ANNUAL FLOWERS IN THE NINE COMMERCIAL DISTRICT MEDIANS.

AYES: Addleman, Mitchell, Rauch, Seamans, Zuckerman

### **CITY ATTORNEY ITEMS**

NONE

**CITY COUNCIL/REGIONAL COMMITTEE REPORTS:** This item provides the opportunity for Members of the City Council to provide information and reports to other Members of the City Council and/or the public on any issues or activities of currently active Council Committees, ad hoc committees, regional or state-wide governmental associations,

special districts and/or joint powers authorities and their various committees on which Members of the City Council might serve or have an interest, which are not otherwise agendized.

A. EQUESTRIAN COMMITTEE MINUTES OF JULY 9, 2003

THERE BEING NO OBJECTION, MAYOR RAUCH ORDERED THE EQUESTRIAN COMMITTEE MINUTES OF JULY 9, 2003 RECEIVED AND FILED.

B. MAYOR PRO TEM MITCHELL commented that the Tracy Austin Tennis Tournament was outstanding and well-attended by City representatives as well as the public.

C. MAYOR PRO TEM MITCHELL reported she attended the City Selection Committee meeting recently. She noted that, while a vote was taken for a representative to serve on the Air Quality Management District Board, the City of Los Angeles nominated one of their own council members and the smaller cities voted on another candidate thereby creating a stalemate on election of a representative.

D. MAYOR PRO TEM MITCHELL noted that the State budget has still not been adopted and now includes a "triple flip" provision which consists of a one-half cent sales tax reduction for an equal amount of property tax.

E. COUNCILWOMAN SEAMANS noted she will not be in attendance at the next League of California Cities meeting on August 7. She suggested that Gary Milliman, Executive Director, Los Angeles County, be presented with a Resolution of Commendation as he will assume the position of City Manager of the City of Southgate. COUNCILMAN ZUCKERMAN indicated he will attend this meeting.

F. COUNCILWOMAN SEAMANS informed the COUNCIL of her intention to resign from the Palos Verdes Peninsula Transit Authority. She noted that COUNCILMAN ADDLEMAN will fill that position after the next meeting.

**MAYOR AND COUNCIL ITEMS:** This item provides the opportunity for Members of the City Council to request information on currently pending projects and/or issues of public concern, direct that an item be agendized for future consideration and/or make announcements of interest to the public.

A. MAYOR RAUCH announced that the City's Cross Country Run is scheduled for August 2 and invited everyone to attend.

B. COUNCILWOMAN SEAMANS again referred to a letter submitted by John Andrews regarding traffic issues at the Post Office and Silver Spur Road/Hawthorne Boulevard. She noted that the Traffic Engineer recommended no change at these locations, but requested a report be brought back to the COUNCIL addressing the issue of dual left-turn lanes. It was noted this item will be agendized for a future meeting.

C. AMENDMENT TO CITY MANAGER'S EMPLOYMENT AGREEMENT

This item was taken out of order and considered following closed session.

COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE AMENDMENT TO THE CITY MANAGER'S EMPLOYMENT AGREEMENT.

AYES: Addleman, Mitchell, Rauch, Seamans, Zuckerman

**CLOSED SESSION (Continued)**

**B. DISCUSSION WITH RESPECT TO PERSONNEL MATTERS**

**1. ANNUAL CITY MANAGER PERFORMANCE EVALUATION**

(Government Code Section 54957)

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At 11:30 p.m. the CITY COUNCIL convened in closed session. At 1:00 a.m. the CITY COUNCIL reconvened in open session with MAYOR RAUCH, MAYOR PRO TEM MITCHELL, COUNCILMAN ADDLEMAN, COUNCILWOMAN SEAMANS AND COUNCILMAN ZUCKERMAN in attendance.

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Following closed session, COUNCILMAN ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO ADJUST THE CITY MANAGER'S SALARY IN ACCORDANCE WITH HIS PERFORMANCE EVALUATION.

AYES: Addleman, Mitchell, Rauch, Seamans, Zuckerman

**ADJOURNMENT IN MEMORY OF FORMER ROLLING HILLS ESTATES COUNCIL MEMBER JOSEPH LEHMAN**

At 1:30 a.m., MAYOR RAUCH formally adjourned the City Council meeting to August 12, 2003 at 7:30 p.m. in the City Hall Council Chambers.

Submitted by,  
Hope J. Nolan  
Deputy City Clerk

Approved by,  
Douglas R. Prichard  
City Manager